



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5000-110
Ser BPMOW/044
February 16, 2023

Mr. Harvey Jones
California State University, Sacramento
7424 Esteem Drive
Sacramento, CA 95842
harveyjones@csus.edu

Dear Mr. Jones:

This correspondence responds to your Freedom of Information Act request of January 13, 2023 in which you requested various records concerning the cemetery at former Mare Island Naval Shipyard (MINS). Your request was received by this office on January 19, 2023 and assigned Case File Number DON-NAVY-2023-004098.

On January 24, 2023, we reached agreement that the three following documents would address your request.

1. 2001 FOST for Parcel VII-A
2. 1997 Mare Island Naval Shipyard Section 106 MOA
3. 2000 Amendment to the 1997 Section 106 MOA

This letter provides a final determination on your FOIA request. These three responsive records were reviewed to determine if they have information that is exempt from disclosure under FOIA. No FOIA exemptions were identified, therefore all three records are being released to you in full at this time.

Your FOIA request included a request for a fee waiver. The information you provided in support of your fee waiver was insufficient, and your fee waiver request is therefore denied. In order for a fee waiver to be granted in full, several requirements must be met. 32 C.F.R. § 286.12(l). One requirement is that the disclosure of the requested information would be likely to contribute significantly to public understanding of government operations or activities. This requirement is satisfied when the following two criteria are met:

1. Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding. Some of the information released to you today is already in the public domain.

2. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public shall be considered. You have provided no indication that the requested information will be disseminated to public.

We have placed you in the “non-commercial scientific or educational institutions or news media” category for fee assessment purposes. 32 C.F.R. § 286.12. This category of requesters are only charged duplication fees. Because documents are provided to you electronically through FOIA Online, no duplication fees have been incurred in responding to your request.

You have the right to an appeal. It must be received (i.e., post-marked if by mail or submitted if by FOIAonline) within 90 calendar days from the date of this letter. Please provide the following in your appeal:

- a letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- a copy of your initial request;
- a copy of the letter of denial.

There are two ways to file an appeal—through FOIAonline or by mail.

1. Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline.gov, click “Create Account” (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click “Save” (at the bottom left of the screen). With your account thereby created, you will be able to file an appeal on FOIAonline for any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the “Search for” field on the “Search” tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click “Save,” and FOIAonline will submit your appeal.
2. By mail. Address your appeal to:

Department of the Navy
Office of the General Counsel
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Whichever method is used to file your appeal, please also provide a copy to us at meredith.l.richards2.civ@us.navy.mil, or:

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NAVFAC BRAC PMO West
33000 Nixie Way
Bldg 50 Suite 207
Attn: Meredith Richards
San Diego, CA 92147

Any questions concerning this matter can be directed to Mr. Charles Perry at charles.l.perry6.civ@us.navy.mil or (619) 524-5256. For further assistance, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka.civ@us.navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

ANTHONY MEGLIOLA
Director